

8-15-2012

Judge Shaw opened the regular Gilliam County Court meeting at 10:00 a.m. on Wednesday, August 15, 2012 at the Arlington Municipal Building-Arlington, Oregon.

Commissioners Present: Judge Patricia Shaw, Commissioner Dennis Gronquist and Commissioner Michael Weimar. Absent: None.

IN THE MATTER OF ADDITIONS/REVISIONS TO AGENDA

The following items were added to the agenda:

- Iberdrola SIP revisions
- WI Inc. concrete credit discussion

Landowner Susie Anderson wanted to thank Gilliam County Road Department all of the local Fire Departments and Sheriff's Department for their professionalism and hard work fighting the fire on her property. Judge Shaw added her support as well.

IN THE MATTER OF CODE ENFORCEMENT/NUISANCE ORDINANCE

Planner Susie Anderson presented the final draft of the Code Enforcement and Nuisance Ordinance to the Court. There was an addition of comprehensive violations to the ordinance which will provide enforceability. The Code Enforcement provides a step by step process how violations are covered with projected timelines. Anderson asked the Court to review and provide input on the drafts.

A Public Hearing will be scheduled for October 3, 2012 during the regular County Court meeting in Condon, Oregon. It was noted the Planning Commission will review the drafts during their monthly meeting.

IN THE MATTER OF PLANNING DEPT STAFF REPORT

Planner Susie Anderson reported on the following:

- Enterprise Zone re-designated: Working on an Enterprise Zone packet to share with Economic Development Officer Peter Mitchell, which may be shared with prospective businesses.
- Participated in Exhibit K (Land Use) for Cascade Crossing meetings and phone conferences. This is a 550 Kv transmission line which will travel from Morrow County, through Gilliam County and will end in Marion County.

- Reviewing Saddle Butte preliminary application for a Site Certificate. Project will have up to 133 turbines with a peak generating capacity of 399 megawatts; average generating capacity will be 133 megawatts.
- Met with Navy representative Rick McArdle who is attempting to work through the issue of restricted air space and wind turbines in the Boardman area. Training uses for the Whidby Island, Washington pilots flying into Boardman Bombing Range include Low Flying Tactical Training, Surface to Air Counter Tactics which require altitudes of 200-500 feet with and airspeed of 429 knots. It was noted wind turbines add a safety issue for the pilots. Options are being discussed: Zoning Overlays, Department of Defense in siting process, and improving communication.
- Telephonically participated in Blue Mountain Resource Conservation and Development meetings as County alternate.
- Working to complete Planning Department Procedure handbook.

IN THE MATTER OF CITY OF ARLINGTON PROJECT UPDATE

Arlington Mayor Jeff Bufton reported on the following:

- Progressing with Mesa Industrial Park: secured \$2.3 million interim gap financing from the State of Oregon. Bid process will begin this month, with construction to be completed spring 2013.
- Laying conduit for fiber optic while installing water/sewer line.
- Wind turbine repair business owner Harry Lee installed first windmill at the site: moving forward.
- Planning Insitu groundbreaking: schedule to be decided
- New garbage truck on the job

IN THE MATTER OF ECONOMIC ENHANCEMENT ORDINANCE REVIEW

Judge Shaw opened the discussion on the Economic Enhancement Ordinance update/review which is to be completed every five years. The completion timeline for this review is March 2013. The Homestead Rebate program has seen a decline in revenue due to reduced tonnage at the landfill. If the Homestead Rebate funds are unavailable, money is transferred with additional withdrawal fees from the Endowment Fund. Discussion occurred on the process of opening the Economic Enhancement Ordinance. It was noted departments receiving funds from the Economic Enhancement Fund should be involved in discussions during September County Court meetings.

Judge Shaw would like the Commissioners to consider re-administering the spending rationale into the Economic Enhancement Ordinance. The rationale was in the original Economic Enhancement and detailed what funds could purchase.

Public Hearing for Economic Enhancement Ordinance will be set for October 3, 2012 during the regular County Court meeting.

IN THE MATTER OF PITNEY BOWES POSTAGE METER RENEWAL

Court Administrator Leanne Durfey reported the monthly rental fee was reduced \$20, and added Michelle Colby had researched the bulk mailing option and it was unfeasible.

MOTION: Commissioner Gronquist moved to approve the Pitney Bowes postage meter term rental agreement in the amount monthly amount of \$45.

SECOND: Commissioner Weimar.

Vote: 3-0

Yes: Judge Shaw, Commissioner Gronquist and Commissioner Weimar

No: None

Abstained: None

Absent: None

Motion Passed.

IN THE MATTER OF WILDLIFE SERVICES WORK PLAN

MOTION: Commissioner Gronquist moved to approve the USDA Wildlife Services Work and Financial Plan for July 1, 2012 through June 30, 2013 in the amount of \$65,717.

SECOND: Commissioner Weimar.

Vote: 3-0

Yes: Judge Shaw, Commissioner Gronquist and Commissioner Weimar

No: None

Abstained: None

Absent: None

Motion Passed.

IN THE MATTER OF COURTHOUSE TILE BID CLARIFICATION

Judge Shaw reported the project will cost \$24,300 with an additional \$4,000 for special grout which does not require annual sealing.

Courthouse diagrams were provided with area covered in the bid. There were modifications to the original plan: removing the tile from the small downstairs conference room and putting it in the Sheriff's entry and staff break room. It was noted the large downstairs conference room will be tiled to accommodate heavy use. The

project will be funded through Capital Projects.

MOTION: Commissioner Gronquist moved to approve the bid to tile the Courthouse entryways, hallways and conference rooms up to \$28,300.

SECOND: Commissioner Weimar.

Vote: 3-0

Yes: Judge Shaw, Commissioner Gronquist and Commissioner Weimar

No: None

Abstained: None

Absent: None

Motion Passed.

IN THE MATTER OF UPDATING COUNTY ORDINANCE

Judge Shaw reported the estimated cost of the codifying service from American Legal is between \$5,000-\$10,000. This process provides a legal review of ordinances and organizes them into a code book and provides electronic access.

MOTION: Commissioner Gronquist moved to approve updating the County Ordinances at a cost of no more than \$10,000.

SECOND: Commissioner Weimar.

Vote: 3-0

Yes: Judge Shaw, Commissioner Gronquist and Commissioner Weimar

No: None

Abstained: None

Absent: None

Motion Passed.

IN THE MATTER OF EMPLOYEE HEALTH INSURANCE UPDATE

Court Administrator Leanne Durfey reported Citycounty Insurance Services does allow mid-year coverage change, which will work with the union contract language.

IN THE MATTER OF CAPECO COURT REPRESENTATIVE

Judge Shaw reported the CAPECO meetings are held on Friday and are in Pendleton. Michelle Colby has been attending the meetings as Gilliam County's representative. Colby will no longer be attending the meetings since they are not within the regular work schedule. Judge Shaw will advise CAPECO representative Donna Kinnamen of the staff change. Judge Shaw will attempt to attend meetings as applicable.

Commissioner Weimar inquired about the three employees who attend Resource Connections meetings. It was noted the meetings are held during regular business hours at noon.

IN THE MATTER OF COTTONWOOD CANYON EXPERIENCE CENTER

Judge Shaw reported there is a request from Cottonwood Canyon State Park for Gilliam County to commit to a Declaration of Cooperation.

It was noted Michelle Colby could provide administrative services if meetings were in regular work schedule.

The Court has concerns regarding vendors at the State Park, and reported the importance of opposing this item.

Declaration of Cooperation: As a potential economic beneficiary of Cottonwood Canyon State Park activities, Gilliam County commits to:

- Participate on the “Cottonwood Canyon Community Coordinating Council” (C5)
- If needed, provide back-up administrative assistance/support to C5
- Participate in discussions/presentations by MCEDD regarding providing venture capital to local vendors.

MOTION: Commissioner Weimar moved to approve the Declaration of Cooperation between Gilliam County and Cottonwood Canyon Experience Center.

SECOND: Commissioner Gronquist.

<u>Vote</u> :	3-0
Yes:	Judge Shaw, Commissioner Gronquist and Commissioner Weimar
No:	None
Abstained:	None
Absent:	None

Motion Passed.

IN THE MATTER OF WI INC CORRESPONDENCE

Commissioner Gronquist asked the Court to submit a formal letter to WI Inc. regarding Gilliam County’s concrete credit amount of \$70,000 has been given as an in-kind donation to Columbia Hills Manor.

IN THE MATTER OF WASTE MANAGEMENT QUARTERLY REPORT

Columbia Ridge/ChemWaste Senior District Manager Bill Carr, Columbia Ridge Production Manager Kelly Gronquist, ChemWaste District Manager Gary Fisher and Waste Management Instructor of Operations Paul Burns joined the Court.

Carr reported Columbia Ridge overall volumes are up, although the Municipal Solid Waste volumes are down. Currently receiving a large soil project by rail from Seattle. Confirmed Boeing project waste will begin November or December.

Gronquist reported an employee roundtable discussion came up with a restructured work schedule plan. There are two shifts which run five days a week, and employees have positive reports on the schedule. Working towards improving efficiency.

Fisher reported ChemWaste volume is up, and may end up with a small gain at the end of the year. There have been modifications to encapsulation, analysis plan and an alternative capping process: permit has been updated.

Burns reported compliance issues with ChemWaste and DEQ. It was noted there was never a risk and the site took immediate action. The individual behind the issue is no longer employed.

Carr reported S-4 is running 17-18 tons of garbage daily, potential to run 25 tons daily. The plant is producing Hydrogen gas and there is interest in the Portland area for the product. Burns added permit modifications made need to be made in the future to expand residual waste used. Burns reported S-4 was in "Wired" magazine and CNN did a new technology interview.

Commissioner Gronquist asked if Waste Management had interest in barge off-loading services in Gilliam County. Burns added it could be something they could talk about internally.

IN THE MATTER OF THE CONSENT AGENDA

MOTION: Commissioner Gronquist moved to approve the consent agenda including: May 15, 2012 Budget Committee minutes, July Claims pending review, August 1, 2012 regular County Court meeting minutes and August 1, 2012 executive session minutes.

SECOND: Commissioner Weimar.

Vote: 3-0

Yes: Judge Shaw, Commissioner Gronquist and Commissioner Weimar

No: None

Abstained: None

Absent: None

Motion Passed.

IN THE MATTER OF ANNOUNCEMENTS

- County Court and Port of Arlington information session on Monday, August 20, 2012 in Portland, OR at 11:00 a.m.
- Tri-County Court meeting September 26, 2012 at 10:00 a.m. in Sherman County
- AOC district meeting October 11, 2012 at 10:00 a.m. at the Sherman County OSU Extension building
- Congressman Walden will be in Condon on Thursday August 16, 2012 at 3:00 p.m.

IN THE MATTER OF ARLINGTON AMBULANCE PROPOSED VARIANCE

Arlington Volunteer Ambulance Service-AVAS operations Director/Training Officer Richard Herrmann reported he has been working in Arlington for approximately five months. There are three Arlington Emergency Medical Services volunteer responders: One EMR- a nursing student, One EMT and One Intermediate. Herrmann asked the Court to support a temporary Variance to allow the EMR to respond without the Intermediate and have the Intermediate work to her full level of care. Currently there are two or three drivers who are planning to attend EMT classes beginning in September. The classes are a six month course, and AVAS is asking for a two year Variance to ensure coverage of Arlington residents.

It was noted AVAS is asking for a letter of support from the Court and the Physician Advisor. Liability risks will be solely on AVAS, and the Variance must be approved by the State.

MOTION: Commissioner Gronquist moved to approve the request from the Arlington Volunteer Ambulance Service Variance.

SECOND: Judge Shaw.

Vote: 3-0
Yes: Judge Shaw, Commissioner Gronquist and Commissioner Weimar
No: None
Abstained: None
Absent: None
Motion Passed.

Herrmann will submit a formatted letter to Leanne Durfey today.

IN THE MATTER OF IBERDROLA CONTRACT DISCUSSION

Legal Counsel Will Carey, Iberdrola Renewables representative Sarah Parsons joined the meeting. Iberdrola Legal Counsel Toan Nguyen appeared telephonically.

Carey reviewed the Pebble Springs LLC SIP agreement with the Court. It was noted this assignment change option was in the original SIP agreement, and it requires the Courts approval to make the changes.

Parsons reported Iberdrola would like to re-assign the original Pebble Springs LLC SIP agreement and designate it into the three project entities: Pebble Springs LLC, Leaning Juniper II LLC and Montague LLC which has not been constructed. Each project LLC would be in charge of paying their financial obligations and this assignment would accommodate Iberdrola on cost management.

Carey asked for clarity on who would assume financial security to the County's interest, since the original SIP agreement assignee was Pebble Springs LLC. Nguyen reported the three project entities will become the assignor's. It was noted the original SIP language was used in this assignment, and the new assignee's and assume financially obligations.

Judge Shaw asked if the Community Service Fees would be paid from each LLC or would Iberdrola issue one check. Carson replied Iberdrola would issue a check, and the project code and amount would be in the register portion. Iberdrola Tax Department-Kristen Boyer will provide megawatt calculation and submit the information to the State and Gilliam County Assessor Dave Messenger. The calculation will provide the three LLC's their portion of fees due to Gilliam County.

MOTION: Commissioner Gronquist moved to approve the partial assignment of the initial Pebble Springs Wind LLC SIP agreement to include two additional entities Leaning Juniper II LLC and Montague Wind Power LLC.

SECOND: Commissioner Weimar.

Vote: 3-0

Yes: Judge Shaw, Commissioner Gronquist and Commissioner Weimar

No: None

Abstained: None

Absent: None

Motion Passed.

Parsons provided three partial SIP assignment agreements for signature. Parson added she was unable to find a copy of the original Pebble Springs LLC SIP agreement and asked the Court for a copy.

Parson reported the Montague project is fully permitted with no problematic road blocks. Iberdrola is marketing Montague looking for a customer to purchase power. It was noted Iberdrola has adequate space on the grid to transport power.

Discussion on the difficulty of wind projects moving forward include timeline and expiration of production tax credits: BPA curtailing wind energy price and finding

customers to purchase power.

IN THE MATTER OF COUNTY COURT REPORTS

Commissioner Weimar reported the Grain Lab had both protein testing machines break down.

Judge Shaw attended a NORCOR mediation session which lasted six hours. The operating funding formula paid by the counties was discussed. It was noted there will be an increase in Gilliam's portion.

IN THE MATTER OF CORRESPONDENCE

Judge Shaw reported the Court received:

- A letter of concern from the Condon RV Park Operator Randy Rogers regarding the rates, especially winter rates at Burns Park. Item will be researched and discussed at the next meeting.
- A letter from Mike Reynolds requesting financial assistance in placing a historic marker at Blalock. The project is \$6,800. Reynolds will be sent Special Projects process information and schedule, and advised to contact Gilliam County Historical Society.

IN THE MATTER OF NEXT COURT MEETING

Next Court meeting is scheduled for Wednesday, September 5, 2012 at 10:00 a.m. and will be held in the Gilliam County Courthouse- Condon, Oregon.

It appearing to the Court there was no further business to be conducted at this time, and no additional matters to be considered, Judge Shaw adjourned the meeting at 2:15 p.m.

GILLIAM COUNTY COURT

By _____

Patricia Shaw, Judge

By _____

Dennis Gronquist, Commissioner

By _____

Michael Weimar, Commissioner

Marla Davies-Recorder